

**FILED**

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CLERK US DISTRICT COURT  
DISTRICT OF ARIZONA

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**CR22-02647 TUC-RM(LAB)**

10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE DISTRICT OF ARIZONA

12 United States of America,

No.

13 Plaintiff,

**INDICTMENT**

14 vs.

15 VIO: 18 U.S.C. §§ 922(g)(1) and 924(a)(2)  
 16 (Possession of Firearm by a Convicted  
 17 Felon)  
 18 Count 1

19 Andrew Scott,

20 Defendant.

21 18 U.S.C. § 554  
 22 (Smuggling Goods From the  
 23 United States)  
 24 Count 225 18 U.S.C. § 933(a)(2)  
 26 (Felony Receipt of a Firearm)  
 27 Count 328 18 U.S.C. § 924(d); 21 U.S.C. § 853;  
 29 28 U.S.C. § 2461(c)  
 30 Forfeiture**THE GRAND JURY CHARGES:****COUNT 1**

On or about November 8, 2022, in the District of Arizona, defendant ANDREW SCOTT, knowing he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm and ammunition, that is, a Browning Machine Gun model M2 rifle, serial number 429745, and 999 rounds of 9mm caliber ammunition; said firearm and ammunition being in and affecting commerce in that

1 they were previously transported into the state of Arizona from another state or foreign  
2 country.

3 In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

4 **COUNT 2**

5 On or about November 8, 2022, in the District of Arizona, ANDREW SCOTT, did  
6 fraudulently and knowingly export and send from the United States, and attempt to export  
7 and send from the United States into the Republic of Mexico, any merchandise, article, or  
8 object, that is: a Browning Machine Gun model M2 rifle, serial number 429745, and two  
9 Browning M2 rifle parts kits, which is contrary to the laws and regulations of the United  
10 States, to wit: Title 22, United States Code, Section 2778(b)(2) and (c), and Title 22, Code  
11 of Federal Regulations, Sections 121.1, 123.1, and 127.1, and Title 50 United States Code,  
12 Section 4819 and did receive, conceal, buy, sell and did in any manner facilitate the  
13 transportation, concealment, and sale of such merchandise, article, and object, prior to  
14 exportation, knowing the same to be intended for exportation, which is contrary to the laws  
15 and regulations of the United States;

16 All in violation of Title 18, United States Code, Section 554.

17 **COUNT 3**

18 On or about November 8, 2022, in the District of Arizona, defendant ANDREW  
19 SCOTT, did receive from another person, in or otherwise affecting interstate or foreign  
20 commerce, a firearm, to wit: a Browning Machine Gun model M2 rifle, serial number  
21 429745, knowing or having reasonable cause to believe that such receipt would constitute  
22 a felony.

23 In violation of Title 18, United States Code, Section 933(a)(2).

24 **FORFEITURE ALLEGATION**

25 Upon conviction of Count One of the Indictment, the defendant, ANDREW  
26 SCOTT, shall forfeit to the United States pursuant to Title 18, United States Code, Section  
27 924(d), and Title 28, United States Code, Section 2461(c), any firearms and ammunition  
28 involved in the commission of the offense, including, but not limited to one (1) Browning

Machine Gun, model M2 rifle, bearing serial number 429745 and 999 rounds of .9mm caliber ammunition.

Upon conviction of Count Two of the Indictment, the defendant, ANDREW SCOTT, shall forfeit to the United States pursuant to Title 50, United States Code, Section 4819(d)(1)(C), and Title 28, United States Code, Section 2461(c), any item or technology that is exported or intended to be exported in violation of the offense, including but not limited to two Browning M2 rifle part kits.

If any of the property described above, as a result of any act or omission of the defendant: a) cannot be located upon the exercise of due diligence; b) has been transferred or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of the court; d) has been substantially diminished in value; or e) has been commingled with other property which cannot be divided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property, including, but not limited to, all property, both real and personal, owned by the defendant.

All pursuant to Title 18, United States Code, Section 924(d), Title 50, United States Code, Section 4819(d)(1)(C), Title 28, United States Code, Section 2461(c) and Rule 32.2(a), Federal Rules of Criminal Procedure.

A TRUE BILL.

/s/

**FOREPERSON OF THE GRAND JURY**  
Dated: December 7, 2022

**GARY M. RESTAINO**  
United States Attorney  
District of Arizona

**REDACTED FOR  
PUBLIC DISCLOSURE**

/s/

**CRAIG H. RUSSELL**  
Assistant U.S. Attorney